



**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

EDMUND G. BROWN JR. • GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

MAY 14 2015

Honorable Mark Leno, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Shirley Weber, Chair
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

**Amendment to Various Budget Bill Items and Reimbursements, Support,
California Department of Corrections and Rehabilitation**

Adult Population Adjustment (Enrollment, Caseload, and Population (ECP) Issues 300-312, 321, and 322)—It is requested that Item 5225-001-0001 be decreased by \$19,154,000 and 72.8 positions, Item 5225-001-0917 be decreased by \$464,000, Item 5225-002-0001 be decreased by \$10,718,000 and 61.4 positions, Item 5225-006-0001 be decreased by \$68,305,000, Item 5225-007-0001 be decreased by \$10,350,000, Item 5225-008-0001 be decreased by \$106,000, and Item 5225-009-0001 be increased by \$147,000 to reflect revisions in projected adult inmate and parole populations. This reflects a net decrease of \$108,950,000, which is comprised of a \$108,486,000 General Fund decrease and a \$464,000 Inmate Welfare Fund decrease. The main component of these savings is tied to the reduction of approximately 4,000 out-of-state contract beds by June 2016 (see Attachment I).

Adjusted for recent adult inmate population trends, the May Revision reflects an estimated average adult daily population of 127,990 in fiscal year 2015-16. This is 5,119 lower than projected in the Governor's Budget. The projected adult parolee average daily population is 44,570 in 2015-16. This is an increase of 4,103 from the Governor's Budget projection.

Juvenile Population Adjustment (ECP Issues 314-320)—It is requested that Item 5225-001-0001 be decreased by \$1,852,000 and 11.6 positions, reimbursements be decreased by \$51,000, and Item 5225-011-0001 be decreased by \$120,000 and 1.1 positions, to reflect revised juvenile population projections. The May Revision reflects an estimated average daily population of 677 wards in 2015-16, which is 32 less than projected in the Governor's Budget.

Transition of Medical Care from the Receivership (Issue 340)—It is requested that Item 5225-002-0001 be increased by \$1,941,000 and 16 positions to address workload resulting from the March 10, 2015 court order modifying the Receivership transition plan. The requested resources will allow the Receiver's Office to review policies and procedures to create regulations, provide analytical assistance in determining which institutions will be delegated and to monitor institutions on a monthly basis once they have been delegated, and expeditiously implement the Quality Management program.

Psychiatric Technician Staffing Model Adjustment (Issue 341)—It is requested that Item 5225-002-0001 be decreased by \$975,000 and 10.6 positions to implement a revised staffing model for Psychiatric Technician positions. This revised staffing model provides more Psychiatric Technician positions for Enhanced Outpatient Program (EOP) housing units and Administrative Segregation housing units serving EOP inmates, and fewer Psychiatric Technician positions for the General Population Administrative Segregation housing units.

Janitorial Services Augmentation (Issue 342)—It is requested that Item 5225-002-0001 be increased by \$600,000 and 13.9 positions to complete the roll-out of the California Prison Industry Authority janitorial services program to all institutions, except the California Health Care Facility. This request is necessary because previously requested resources for janitorial services did not account for cleaning the three new infill facilities and cleaning licensed health care areas seven days a week. The request does not include funding to implement the California Prison Industry Authority janitorial services program at California Health Care Facility. The Receiver's Office continues to consider the best option to provide janitorial services at the California Health Care Facility.

Hepatitis C Treatment (Issue 046)—It is requested that Item 5225-002-0001 be increased by \$60,586,000 to address increased costs related to Hepatitis C treatment. Control Section 8.75 was proposed in the Governor's Budget to set aside funding pending initial coordination of the statewide high-cost medication working group. The funding set aside is no longer needed as the May Revision proposes to allocate the funding directly in the affected budgets.

Coleman Technical Adjustment (Issue 040)—It is requested that Item 5225-002-0001 be decreased by \$3,455,000 and 30.1 positions to reflect updated costs for the Governor's Budget *Coleman* proposal. This adjustment includes a reduction of \$2,769,000 related to the change in methodology for Psychiatric Technician staffing, as noted in Issue 341, and a reduction of \$686,000 to reflect bargaining unit agreement costs now being carried in Item 9800-001-0001.

Peace Officer Selection and Employee Development (Issue 315)—It is requested that a cost-neutral adjustment be made to Item 5225-001-0001 that adds 11 positions to implement a modified 12-week Basic Correctional Officer Academy model and establish the Commission on Correctional Peace Officer Standards and Training. Trailer bill language is proposed to effectuate this change (see Attachment II).

Recidivism Reduction Fund Update (Issue 045)—It is requested that Item 5225-001-3259 be increased by \$3,296,000 and 20 positions and Item 5225-008-0001 be decreased by \$3,296,000 and 20 positions to reflect additional 2014-15 Recidivism Reduction Fund savings, which is proposed to support the substance use disorder treatment expansion to non-reentry hub institutions. The May Revision also proposes to reappropriate additional 2014-15 community reentry facility savings of \$5,585,000 in Item 5225-001-3259 to allow the California Department of Corrections and Rehabilitation (CDCR) to enter into contracts with community reentry facilities in 2015-16. Attachment III includes revised Budget Bill language to Item 5225-494 to support this reappropriation.

Community Corrections Performance Incentive Grant-Senate Bill 678 (Issue 306)—It is requested that items be increased by \$1,115,000 to transfer General Fund to the State Community Corrections Performance Incentive Fund to update the amounts allocated to county probation departments. The May Revision proposes a revised formula which provides funding to county probation departments that decrease their state prison admissions for felony probation, post-release community supervision, and mandatory supervision below a 2013 baseline. Trailer bill language is proposed to effectuate this change (see Attachment IV).

Lease Revenue Debt Service Adjustment (Issue 041)—It is requested that Item 5225-003-0001 be decreased by \$10,951,000. This adjustment is necessary to make technical corrections to the amounts budgeted for lease revenue debt service payments in 2015-16. The decrease to the budgeted debt service amounts are a result of three bond refundings in the spring of 2015 resulting in lower debt service costs and issuing fewer bonds than anticipated for CDCR.

Division of Rehabilitative Programs (Issue 047)—It is requested that Item 5225-008-0001 be increased by \$2 million for additional in-prison programs aimed at reducing recidivism.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Clint Kellum or Josh Gauger, Principal Program Budget Analysts, at (916) 445-8913.

MICHAEL COHEN

Director

By:

/s/ Keely M. Bosler

KEELY M. BOSLER

Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Ricardo Lara, Chair, Senate Appropriations Committee
Attention: Mr. Mark McKenzie, Staff Director
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Seren Taylor, Staff Director
Honorable Jimmy Gomez, Chair, Assembly Appropriations Committee
Attention: Mr. Pedro R. Reyes, Chief Consultant
Honorable Melissa Melendez, Vice Chair, Assembly Budget Committee
Attention: Mr. Eric Swanson, Staff Director
Honorable Loni Hancock, Chair, Senate Budget and Fiscal Review Subcommittee No. 5
Honorable Reginald Byron Jones-Sawyer, Sr., Chair, Assembly Budget Subcommittee No. 5
Mr. Mac Taylor, Legislative Analyst (4)
Mr. Craig Cornett, Senate President pro Tempore's Office (2)
Mr. Christopher W. Woods, Assembly Speaker's Office (2)
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office
Dr. Diana Toche, Undersecretary, California Department of Corrections and Rehabilitation
Ms. Alene Shimazu, Director, Administrative Services, California Department of Corrections and Rehabilitation
Mr. Jason Lopez, Deputy Director, Fiscal Services, California Department of Corrections and Rehabilitation
Mr. Richard Kirkland, Chief Deputy Receiver, California Correctional Health Care Services
Ms. Yulanda Mynhier, Director, Health Care Policy and Administration, California Correctional Health Care Services
Ms. Joyce Hayhoe, Director, Legislation and Communications, California Correctional Health Care Services
Mr. Christofer Helton, Deputy Director, Resource Management Branch, California Correctional Health Care Services

"5225-006-0001--For support of Department of Corrections and Rehabilitation
~~210,743,000~~142,438,000

Schedule:

- (1) 4545-Adult Corrections and Rehabilitation Operations--Contracted Facilities
~~210,743,000~~142,438,000

Provisions:

1. (a) The funds appropriated in this item shall be used to pay for not more than the following average daily populations for the 2015-16 fiscal year at the following facilities:
 - (1) ~~600~~438 inmates at the Florence Correctional Center located in Florence, Arizona.
 - (2) 3,146 inmates at the La Palma Correctional Center located in Eloy, Arizona.
 - (3) 2,682 inmates at the Tallahatchie County Correctional Facility located in Tutwiler, Mississippi.
 - (4) ~~2,560~~296 inmates at the North Fork Correctional Facility located in Sayre, Oklahoma.
 - (b) No other item of appropriation may be used to pay for the costs of the contracts with the entities listed in subdivision (a) for out-of-state housing of state inmates.
 - (c) The Department of Corrections and Rehabilitation, upon agreement with its current provider of out-of-state beds, and only after notifying the Department of Finance, may allow the service provider to relocate offenders being housed in any of the facilities listed under subdivision (a) to a different facility operated by the same service provider. The average daily population of offenders being housed in out-of-state facilities shall not exceed ~~8,988~~6,562 for the 2015-16 fiscal year.
2. Notwithstanding any other provision of law, but subject to providing 30 days' notification to the Joint Legislative Budget Committee, funds appropriated in this item may be transferred to Item 5225-001-0001, Schedules (7) and (8), and to Item 5225-002-0001, Schedules (1) and (2), to cover population-driven costs within the adult institutions."

**2015-16 Trailer Bill Language
California Department of Corrections and Rehabilitation**

SEC. 1. Section 13600 of the Penal Code is amended to read:

13600. (a) (1) The Legislature finds and declares that peace officers of the state correctional system, including youth and adult correctional facilities, fulfill responsibilities that require creation and application of sound selection criteria for applicants and standards for their training prior to assuming their duties. For the purposes of this section, correctional peace officers are peace officers as defined in Section 830.5 and employed or designated by the Department of Corrections and Rehabilitation.

(2) The Legislature further finds that sound applicant selection and training are essential to public safety and in carrying out the missions of the Department of Corrections and Rehabilitation in the custody and care of the state's offender population. The greater degree of professionalism which will result from sound screening criteria and a significant training curriculum will greatly aid the department in maintaining smooth, efficient, and safe operations and effective programs.

(b) There is within the Department of Corrections and Rehabilitation a Commission on Correctional Peace Officer Standards and Training, hereafter referred to, for purposes of this title, as the CPOST.

(c) (1) The executive board of the CPOST shall be composed of six voting members.

(A) Three members from, appointed by, and representing the management of, the Department of Corrections and Rehabilitation, one of whom shall represent the Division of Juvenile Facilities Justice or Division of Rehabilitative Programs.

(B) Three members from, and appointed by the Governor upon recommendation by, and representing the membership of, the California Correctional Peace Officers' Association. Two members shall be rank-and-file persons from State Bargaining Unit 6 and one member shall be supervisory.

(C) Appointments shall be for four years.

(D) Promotion of a member of the CPOST shall invalidate the appointment of that member and shall require the recommendation and appointment of a new member if the member was appointed from rank and file or from supervisory personnel and promoted out of his or her respective rank and file or supervisory position during his or her term on the CPOST.

(2) Each appointing authority shall appoint one alternate member for each regular member who it appoints pursuant to paragraph (1). Every alternate member shall possess the same qualifications as ~~the a~~ regular member and shall substitute for, and vote in place of, ~~the a~~ regular member whenever he or she is absent.

(d) The rules for voting on the executive board of the CPOST shall be as follows:

(1) Decisions shall be made by a majority vote.

(2) Proxy voting shall not be permitted.

(3) Tentative approval of a decision by the CPOST may be taken by a telephone vote. The CPOST members' decision shall be documented in writing and submitted to the CPOST for

confirmation at the next scheduled CPOST meeting so as to become a part of the permanent record.

(e) The executive board of the CPOST shall adopt rules as it deems necessary for efficient operations, including, but not limited to, the appointment of advisory members for forming whatever committees it deems necessary to conduct its business. These rules shall be in conformance with the State Personnel Board rules and regulations, the Department of Personnel Administration rules and regulations, and the provisions of the State Bargaining Unit 6 memorandum of understanding.

(f) ~~The CPOST shall appoint an executive director.~~

(g) ~~(f)~~ This section shall be operative on July 1, 2015. ~~July 1, 2012.~~

SEC. 2. Section 13601 of the Penal Code is amended to read:

13601. (a) The CPOST shall develop, approve, and monitor standards for the selection and training of state correctional peace officer apprentices. Any standard for selection established under this subdivision shall be subject to approval by the Department of Human Resources. Using the psychological and screening standards approved by the Department of Human Resources, the Department of Human Resources or the Department of Corrections and Rehabilitation shall ensure that, prior to training, each applicant who has otherwise qualified in all physical and other testing requirements to be a peace officer in either a youth or adult correctional facility the California Department of Corrections and Rehabilitation, is determined to be free from emotional or mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer pursuant to the standards developed by CPOST.

(b) The CPOST may approve standards for a course in the carrying and use of firearms for correctional peace officers that is different from that prescribed pursuant to Section 832. The standards shall take into consideration the different circumstances presented within the institutional setting from that presented to other law enforcement agencies outside the correctional setting.

(c) Notwithstanding Section 3078 of the Labor Code, the length of the probationary period for correctional peace officer apprentices shall be determined by the CPOST subject to approval by the State Personnel Board, pursuant to Section 19170 of the Government Code.

(d) The CPOST shall develop, approve, and monitor standards for advanced rank-and-file and supervisory state correctional peace officer and training programs for the Department of Corrections and Rehabilitation. When a correctional peace officer is promoted within the department, he or she shall be provided with and be required to complete these secondary training experiences.

(e) The CPOST shall develop, approve, and monitor standards for the training of state correctional peace officers in the department in the handling of stress associated with their duties.

(f) Toward the accomplishment of the objectives of this act, the CPOST may confer with, and may avail itself of the assistance and recommendations of, other state and local agencies, boards, or commissions.

(g) Notwithstanding the authority of the CPOST, the department shall design and deliver training programs, shall conduct validation studies, and shall provide program support. The CPOST shall monitor program compliance by the department.

(h) The CPOST may disapprove any training courses created by the department pursuant to the standards developed by CPOST if it determines that the courses do not meet the prescribed standards. Training will continue with existing curriculum pending resolution.

(i) The CPOST shall annually submit an estimate of costs to conduct those inquiries and audits as may be necessary to determine whether the department and each of its institutions and parole regions are adhering to the standards developed by the CPOST, and shall conduct those inquiries and audits consistent with the annual Budget Act.

(j) The CPOST shall establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding the CPOST rules, regulations, standards, or decisions.

(k) This section shall become operative July 1, 2015. ~~July 1, 2012.~~

SEC. 3. Section 13602 of the Penal Code is amended to read:

13602. (a) The Department of Corrections and Rehabilitation may use the training academy at Galt or the training center in Stockton. The academy at Galt shall be known as the Richard A. McGee Academy. The training divisions, in using the funds, shall endeavor to minimize costs of administration so that a maximum amount of the funds will be used for providing training and support to correctional peace officers while being trained by the department.

(b) Notwithstanding subdivision (a), and pursuant to Section 13602.1, the Department of Corrections and Rehabilitation may use a training academy established for the California City Correctional Center. This academy, in using the funds, shall endeavor to minimize costs of administration so that a maximum amount of the funds will be used for providing training and support to correctional employees who are being trained by the department.

(c) Each new cadet who attends an academy shall complete the course of training, pursuant to standards approved by the CPOST before he or she may be assigned to a post or job as a peace officer. Every newly appointed first-line or second-line supervisor in the Department of Corrections and Rehabilitation shall complete the course of training, pursuant to standards approved by the CPOST for that position.

(d) The Department of Corrections and Rehabilitation shall make every effort to provide training prior to commencement of supervisory duties. If this training is not completed within six months of appointment to that position, any first-line or second-line supervisor shall not perform supervisory duties until the training is completed.

(e) This section shall remain in effect only until January 1, 2017, ~~and as of that date is repealed. unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.~~

SEC. 4. Section 13602.1 of the Penal Code is amended to read:

13602.1. The Department of Corrections and Rehabilitation may establish a training academy for correctional peace officers in southern California.

SEC. 5. Section 13603 of the Penal Code is amended to read:

13603. (a) The Department of Corrections and Rehabilitation shall provide 480 hours ~~16 weeks~~ of training to each correctional peace officer cadet. Except as provided by subdivision (b), this training shall be completed by the cadet prior to his or her assignment to a post or position as a correctional peace officer.

(b) If an agreement is reached between the department and the bargaining unit for the correctional peace officers that this subdivision shall apply, and with the approval of the CPOST on how to implement the on-the-job training requirements of this subdivision, the department shall provide a total of 480 hours ~~16 weeks~~ of training to each correctional peace officer cadet, as follows:

~~(1) Twelve weeks of the training shall be at the department's training academy. Cadets shall be sworn in as correctional peace officers upon the completion of this initial 12 weeks. the required training.~~

~~(2) Four weeks shall be at the institution where the cadet is assigned to a post or position.~~

(c) The department shall provide a minimum of two weeks of training to each newly appointed first-line supervisor.

(d) Training standards previously established pursuant to this section shall remain in effect until training requirements are established by the CPOST pursuant to Section 13602.

(e) This section shall become operative July 1, 2015 ~~July 1, 2012~~.

Attachment III

"5225-494—Reappropriation, Department of Corrections and Rehabilitation. The ~~amounts specified in the following citations are~~ remaining balance as of June 30, 2015 of the \$20,000,000 appropriated for community reentry programs provided in the following citations are reappropriated for the purposes provided for in those appropriations and shall be available for encumbrance or expenditure until June 30, 2016:

3259—Recidivism Reduction Fund

(1) ~~\$12,647,000 in Item 5225-001-3259, Budget Act of 2014 (Ch. 25, Stats. 2014), for community reentry programs.~~"

CHAPTER 3. California Community Corrections Performance Incentives

SECTION 1. Section 1230 of the Penal Code is amended to read:

1230.

- (a) Each county is hereby authorized to establish in each county treasury a Community Corrections Performance Incentives Fund (CCPIF), to receive all amounts allocated to that county for purposes of implementing this chapter.
- (b) Notwithstanding any other law, in any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the moneys, including any interest, shall be made available to the CPO of that county, within 30 days of the deposit of those moneys into the fund, for the implementation of the community corrections program authorized by this chapter.
- (1) The community corrections program shall be developed and implemented by probation and advised by a local Community Corrections Partnership.
- (2) The local Community Corrections Partnership shall be chaired by the CPO and comprised of the following membership:
- (A) The presiding judge of the superior court, or his or her designee.
 - (B) A county supervisor or the chief administrative officer for the county or a designee of the board of supervisors.
 - (C) The district attorney.
 - (D) The public defender.
 - (E) The sheriff.
 - (F) A chief of police.
 - (G) The head of the county department of social services.
 - (H) The head of the county department of mental health.
 - (I) The head of the county department of employment.
 - (J) The head of the county alcohol and substance abuse programs.
 - (K) The head of the county office of education.
 - (L) A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.
 - (M) An individual who represents the interests of victims.
- (3) Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs, as defined in subdivision (d) of Section 1229, which may include, but are not limited to, the following:
- (A) Implementing and expanding evidence-based risk and needs assessments.
 - (B) Implementing and expanding intermediate sanctions that include, but are not limited to, electronic monitoring, mandatory community service, home detention, day reporting, restorative justice programs, work furlough programs, and incarceration in county jail for up to 90 days.
 - (C) Providing more intensive local supervision.
 - (D) Expanding the availability of evidence-based rehabilitation programs including, but not limited to, drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and employment services.
 - (E) Evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.
- (4) Notwithstanding any other law, the CPO shall have discretion to spend funds on any of the above practices and programs consistent with this act but, at a minimum, shall devote at least 5 percent of all funding received to evaluate the effectiveness of those programs and practices implemented with the funds provided pursuant to this chapter. A CPO may petition the Administrative Office of the Courts Judicial Council to have this restriction waived, and the

~~Administrative Office of the Courts~~ Judicial Council shall have the authority to grant such a petition, if the CPO can demonstrate that the department is already devoting sufficient funds to the evaluation of these programs and practices.

(5) Each probation department receiving funds under this chapter shall maintain a complete and accurate accounting of all funds received pursuant to this chapter.

SECTION 2. Section 1231 of the Penal Code is amended to read:

1231.

(a) Community corrections programs funded pursuant to this act shall identify and track specific outcome-based measures consistent with the goals of this act.

(b) ~~The Administrative Office of the Courts~~ Judicial Council, in consultation with the Chief Probation Officers of California, shall specify and define minimum required outcome-based measures, which shall include, but not be limited to, all of the following:

(1) The percentage of persons subject to local supervision who are being supervised in accordance with evidence-based practices.

(2) The percentage of state moneys expended for programs that are evidence based, and a descriptive list of all programs that are evidence based.

(3) Specification of supervision policies, procedures, programs, and practices that were eliminated.

(4) The percentage of persons subject to local supervision who successfully complete the period of supervision.

(c) Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the ~~Administrative Office of the Courts~~ Judicial Council evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b).

(d) ~~The Administrative Office of the Courts~~ Judicial Council shall, in consultation with the CPO of each county and the Department of Corrections and Rehabilitation, provide a quarterly statistical report to the Department of Finance including, but not limited to, the following statistical information for each county:

(1) The number of felony filings.

(2) The number of felony convictions.

(3) The number of felony convictions in which the defendant was sentenced to the state prison.

(4) The number of felony convictions in which the defendant was granted probation.

(5) The adult felon probation population.

(6) The number of adult felony probationers ~~felons~~ who had their probation terminated and ~~revoked~~ and were sent to state prison for that revocation.

(7) The number of adult felony probationers sent to state prison for a conviction of a new felony offense, including when probation was revoked or terminated.

(8) The number of felons who had their probation revoked and were sent to county jail for that revocation.

(9) The number of adult felony probationers sent to county jail for a conviction of a new felony offense, including when probation was revoked or terminated.

(10) The number of felons placed on postrelease community supervision, commencing January 1, 2012.

(11) The number of felons placed on mandatory supervision, commencing January 1, 2012.

(12) The mandatory supervision population, commencing January 1, 2012.

(13) The postrelease community supervision population, commencing January 1, 2012.

(14) The number of felons on postrelease community supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(15) The number of felons on mandatory supervision sentenced to state prison for a conviction of a new felony offense, commencing January 1, 2012.

(16) The number of felons who had their postrelease community supervision revoked and were sent to county jail for that revocation, commencing January 1, 2012. This number shall not include felons on postrelease community supervision who are flash incarcerated pursuant to Section 3453.

(17) The number of felons on postrelease community supervision sentenced to county jail for a conviction of a new felony offense, including when postrelease community supervision was revoked or terminated, commencing January 1, 2012.

(18) The number of felons who had their mandatory supervision revoked and were sentenced to county jail for that revocation, commencing January 1, 2012.

(19) The number of felons on mandatory supervision sentenced to county jail for a conviction of a new felony offense, including when mandatory supervision was revoked or terminated, commencing January 1, 2012.

SECTION 3. Section 1232 of the Penal Code is amended to read:

1232.

Commencing no later than 18 months following the initial receipt of funding pursuant to this act and annually thereafter, the ~~Administrative Office of the Courts~~ Judicial Council, in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this act. The report shall include, but not be limited to, all of the following information:

(a) The effectiveness of the community corrections program based on the reports of performance-based outcome measures required in Section 1231.

(b) The percentage of offenders subject to local supervision whose supervision was revoked and who were sent to prison or jail for the year on which the report is being made.

(c) The percentage of offenders subject to local supervision who were convicted of crimes during their term of supervision for the year on which the report is being made.

(d) The impact of the moneys appropriated pursuant to this act to enhance public safety by reducing the percentage and number of offenders subject to local supervision whose supervision was revoked for the year being reported on for violations or new convictions, and to reduce the number of offenders subject to local supervision who are sentenced to prison or jail for a new conviction for the year on which the report is being made.

(e) Any recommendations regarding resource allocations or additional collaboration with other state, regional, federal, or local entities for improvements to this act.

SECTION 4. Section 1233 of the Penal Code is amended to read:

1233.

(a) The Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and ~~Administrative Office of the Courts~~ Judicial Council, shall, for each county, calculate, a baseline local supervision admission to prison rate, baseline local supervision technical violation admission to prison rate and a baseline local supervision admission to prison for the conviction of new crime rate. ~~a baseline probation failure rate that equals the weighted average number of adult felony probationers sent to state prison during calendar years 2006 to 2008, inclusive, as a percentage of the weighted average adult felony probation population during the same period.~~

(b) For fiscal year 2015-16:

- (1) The baseline local supervision admission to prison rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison during calendar year 2013 as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.
- (2) The baseline local supervision technical violation admission to prison rate shall equal the number of adult felony probationers who had their probation revoked for a technical violation and were sent to prison for that revocation during calendar year 2013 as a percentage of the average total population of adult felony probationers during the same period.
- (3) The baseline local supervision admission to prison for the conviction of new crime rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense including when probation was revoked or terminated during calendar year 2013, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.

~~(b) For purposes of calculating the baseline probation failure rate, the number of adult felony probationers sent to prison shall include those adult felony probationers sent to state prison for a revocation of probation, as well as adult felony probationers sent to state prison for a conviction of a new felony offense. The calculation shall also include adult felony probationers sent to prison for conviction of a new crime who simultaneously have their probation term terminated.~~

(c) Beginning in fiscal year 2016-17:

- (1) The baseline local supervision admission to prison rate shall equal the average number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison during calendar years 2013 and 2014, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.
- (2) The baseline local supervision technical violation admission to prison rate shall equal the average number of adult felony probationers who had their probation revoked for a technical violation and were sent to prison for that revocation during calendar years 2013 and 2014, as a percentage of the average total population of adult felony probationers during the same period.
- (3) The baseline local supervision admission to prison for the conviction of new crime rate shall equal the number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense including when their term of supervision was revoked and terminated during calendar years 2013 and 2014, as a percentage of the average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision during the same period.

SECTION 5. Section 1233.1 of the Penal Code is amended to read:

1233.1.

After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall calculate the following for that calendar year:

(a) The cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison. This calculation shall take into consideration factors, including, but not limited to, the average length of stay in prison for offenders subject to local supervision and the average length of parole for offenders who failed local supervision and were sent to prison.

(b) Beginning with the 2013 calendar year, the statewide probation failure rate shall be calculated as the total number of adult felony probationers statewide sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, as a percentage of the average statewide adult felony probation population for that year.

(c) Beginning with the 2013 calendar year, the probation failure rate for each county shall be calculated as the total number of adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, from that county, as a percentage of the county's average adult felony probation population for that year.

(d) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated. For each county, this estimate shall be calculated based on the reduction in the county's probation failure rate as calculated annually pursuant to subdivision (c) and the county's baseline probation failure rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall adjust the calculations to account for changes in each county's adult felony probation caseload in the most recent completed calendar year as compared to the county's adult felony probation population during the 2006 to 2008, inclusive, calendar period.

(e) Beginning with the 2013 calendar year, in calculating probation failure rates for the state and individual counties, the number of adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, shall include those adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a revocation of probation, as well as adult felony probationers sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a conviction of a new felony offense. The calculation shall also include adult felony probationers who are sent to prison, or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170, for a conviction of a new crime and who simultaneously have their probation terms terminated.

(f) The statewide mandatory supervision failure to prison rate. The statewide mandatory supervision failure to prison rate shall be calculated as the total number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, statewide, sent to prison in the previous calendar year as a percentage of the average statewide mandatory supervision population for that year.

(g) A mandatory supervision failure to prison rate for each county. Each county's mandatory supervision failure to prison rate shall be calculated as the number of offenders supervised under mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 sent to prison from that county in the previous calendar year as a percentage of the county's average mandatory supervision population for that year.

(h) The statewide postrelease community supervision failure to prison rate. The statewide postrelease community supervision failure to prison rate shall be calculated as the total number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3, statewide, sent to prison in the previous calendar year as a percentage of the average statewide postrelease community supervision population for that year.

(i) A postrelease community supervision failure to prison rate for each county. Each county's postrelease community supervision failure to prison rate shall be calculated as the number of offenders supervised under postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) of Part 3 sent to prison from that county in the previous calendar year as a percentage of the county's average postrelease community supervision population for that year.

(j) This section shall ~~become operative on July 1, 2014.~~ remain in effect only until June 30, 2015, and as of that date is repealed.

SECTION 6. Section 1233.1 is added to the Penal Code, to read:

1233.1

After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall calculate the following for that calendar year:

(a) The cost to the state to incarcerate in a contract facility an offender who fails local supervision and is sent to prison.

(b) The statewide local supervision admission to prison rate shall be calculated as the total statewide number of felons on adult felony probation, mandatory supervision and postrelease community supervision, sent to state prison as a percentage of the average statewide population of felons on adult felony probation, mandatory supervision and postrelease community supervision for that year.

(c) The local supervision admission to prison rate for each county shall be calculated as the total number of felons on adult felony probation, mandatory supervision and postrelease community supervision, sent to state prison, from that county, as a percentage of the county average total population of felons on adult felony probation, mandatory supervision and postrelease community supervision for that year

(d) The local supervision technical violation admission to prison rate for each county shall be calculated as the total number of adult felony probationers who had their probation revoked for a

technical violation and were sent to prison, from that county, as a percentage of the county's average adult felony probation population for that year.

(e) An estimate of the number of adult felony probationers each county successfully prevented from being incarcerated in state prison for technical probation violations. For each county, this estimate shall be calculated based on the reduction in the county's local supervision technical violation admission to prison rate as calculated annually pursuant to subdivision (d) and the county's baseline technical violation admission to prison rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall adjust the calculations to account for changes in each county's average adult felony probation population in the most recent completed calendar year as compared to the county's baseline average adult felony probation.

(f) The local supervision admission to prison for the conviction of new crime rate for each county shall be calculated as the total number of felons on adult felony probation, mandatory supervision and postrelease community supervision sent to state prison for a conviction of a new felony offense, including when their term of supervision was revoked and terminated, from that county, as a percentage of the county's average total adult felony probation, mandatory supervision and postrelease community supervision population for that year.

(g) An estimate of the number of felons on local supervision that each county successfully prevented from being incarcerated in state prison for the conviction a new crime. For each county, this estimate shall be calculated based on the reduction in the county's local supervision admission to prison for the conviction of new crime rate as calculated annually pursuant to subdivision (f) and the county's baseline rate as calculated pursuant to Section 1233. In making this estimate, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, shall adjust the calculations to account for changes in each county's average adult felony probation population in the most recent completed calendar year as compared to the county's baseline average adult felony probation.

(h) This section shall become operative on July 1, 2015.

SECTION 7. Section 1233.15, added by Chapter 26 of Statutes of 2014, is repealed.

1233.15.

~~The Director of Finance, in consultation with the Administrative Office of the Courts Judicial Council, the Department of Corrections and Rehabilitation, and the Chief Probation Officers of California, shall develop a revised formula for the California Community Corrections Performance Incentives Act of 2009 that takes into consideration the significant changes to the eligibility of some felony probationers for revocation to the state prison resulting from the implementation of the 2011 Public Safety realignment, and may also take into consideration the data calculated pursuant to subdivisions (f) to (i), inclusive, of Section 1233.1. The revised formula may include adjustments to the baseline failure rate for each county. It is the intent of the Legislature that, commencing with the 2015–16 fiscal year, probation departments receive performance incentive funding pursuant to, and consistent with, this chapter for their success at reducing postrelease community supervision failure to prison rates and mandatory supervision failure to prison rates.~~

SECTION 8. Section 1233.2, added by Chapter 31 of Statutes of 2013, is repealed.

1233.2.

~~Annually, after the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Administrative Office of the Courts, shall identify the appropriate Probation Revocation Tier for each county for which it was estimated that the county successfully prevented any number of adult felony probationers from being incarcerated, as provided in subdivision (d) of Section 1233.1. The tiers shall be defined as follows:~~

~~(a) Tier 1. A Tier 1 county is one that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, no more than 25 percent higher than the statewide probation failure rate, as defined in subdivision (b) of Section 1233.1.~~

~~(b) Tier 2. A Tier 2 county is one that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, more than 25 percent above the statewide probation failure rate, as defined in subdivision (b) of Section 1233.1, but less than or equal to the 2006–08 established baseline rate of 7.88 percent.~~

~~(c) Tier 3. A Tier 3 county is one that has a probation failure rate higher than the 2006–08 established baseline rate of 7.88 percent.~~

SECTION 9. Section 1233.2 of the Penal Code is amended to read:

1233.23.

Annually, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the ~~Administrative Office of the Courts~~ Judicial Council, shall calculate a probation failure local supervision prison-admission reduction incentive payment for each eligible county, pursuant to Section 1233.2, 1233.1 for the most recently completed calendar year, as follows:

~~(a) For a county identified as being in Tier 1, as defined in subdivision (a) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 45 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(a) A county shall receive a payment equal the estimated number of felons on local supervision successfully prevented from being incarcerated in state prison for a technical probation violation, as defined by subdivision (e) of Section 1233.1, multiplied by 75 percent of the state's cost of housing an inmate in a contract facility, as defined in subdivision (a) of Section 1233.1.

~~(b) For a county identified as being in Tier 2, as defined in subdivision (b) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 40 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(b) A county shall receive a payment equal the estimated number of felons on local supervision successfully prevented from being incarcerated in state prison for the conviction of a new crime,

as defined by subdivision (g) of Section 1233.1, multiplied by 50 percent of the state's cost of housing an inmate in a contract facility, as defined in subdivision (a) of Section 1233.1.

~~(a) For a county identified as being in Tier 3, as defined in subdivision (c) of Section 1233.2, its probation failure reduction incentive payment shall equal the estimated number of probationers successfully prevented from being incarcerated, as defined by subdivision (d) of Section 1233.1, multiplied by 30 percent of the state's cost of housing an inmate in a contract facility, and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

~~(d) (c) A county that fails to provide information specified in Section 1231 to the Administrative Office of the Courts Judicial Council is not eligible for a probation failure reduction incentive payment.~~

~~(e) This section shall become operative on July 1, 2014.~~

SECTION 10. Section 1233.3 of the Penal Code is amended to read:

1233.34.

(a) It is the intent of the Legislature for counties demonstrating high success rates with felons on local supervision adult felony probationers to have access to performance-based funding as provided for in this section.

(b) On an annual basis, the Department of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the ~~Administrative Office of the Courts~~ Judicial Council, shall calculate 20 5-percent of the total statewide estimated number of felons on local supervision probationers successfully prevented from being incarcerated in prison for counties that successfully reduce the number of felons on local supervision adult felony probationers incarcerated in prison multiplied by the state's cost of housing an inmate in a contract facility, ~~and to supervise on parole a probationer who was sent to prison, as defined in subdivision (a) of Section 1233.1.~~

(c) The amount estimated pursuant to subdivision (b) shall be used to provide high performance grants to county probation departments for the purpose of bolstering evidence-based probation practices designed to reduce recidivism among adult felony probationers.

(d) County probation departments eligible for these high performance grants shall be those with local supervision admission to prison rates ~~adult probation failure rates~~ more than 50 percent below the statewide average in the most recently completed calendar year.

~~(e) A county probation department that qualifies for a probation failure reduction incentive payment, as provided in Section 1233.3, and a high performance grant payment in the same year shall choose to receive either the probation failure incentive payment or the high performance grant payment. The Chief Probation Officer of a county that qualifies for both a high performance grant and a probation failure reduction incentive payment shall indicate to the Administrative Office of the Courts, by a date designated by the Administrative Office of the Courts, whether the Chief Probation Officer chooses to receive the high performance grant or probation failure reduction payment.~~

~~(f) The grants provided for in this section shall be administered by the Administrative Office of the Courts. The Administrative Office of the Courts shall seek to ensure that all qualifying probation departments that submit qualifying applications receive a proportionate share of the grant funding available based on the population of adults 18 to 25 years of age, inclusive, in each of the counties qualifying for the grants.~~

(e) Counties that are eligible to receive a high performance grant shall receive a percentage of the amount in subdivision (b) based on the population of adults 18 to 25 years of age, inclusive, in each of the counties qualifying for a high performance grant.

~~(g) (f) A county that fails to provide the information specified in Section 1231 to the Administrative Office of the Courts~~ Judicial Council is not eligible for a high performance grant payment.

~~(h) This section shall become operative on July 1, 2014.~~

SECTION 11. Section 1233.4 of the Penal Code is amended to read:

1233.45.

If data of sufficient quality and of the types required for the implementation of this act are not available to the Director of Finance, then the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, and the ~~Administrative Office of the Courts~~ Judicial Council, shall use the best available data to estimate local supervision admission to prison ~~probation failure~~ reduction incentive payments and high performance grants utilizing a methodology that is as consistent with that described in this act as is reasonably possible.

1233.5.

(a) It is the intent of the Legislature for counties that have demonstrated historical success in preventing felony probationers from being incarcerated to receive funding to continue this success as provided for in this section.

(b) Beginning in fiscal year 2015-16, each county shall receive a past performance payment that is equal to 60 percent of the average of the two highest years of funding that a county received for the California Community Corrections Performance Incentive Grant program in 2011-12, 2012-13, 2013-14 and 2014-15, as calculated by the Department of Finance.

(c) Notwithstanding subdivision (b), counties with a payment pursuant to Section 1233.6 for any future year that falls below the lowest payment in fiscal year 2011-12, 2012-13, 2013-14 or 2014-15, shall receive supplemental funding in order for their payment for that year to equal the lowest payment in fiscal year 2011-12, 2012-13, 2013-14 or 2014-15.

SECTION 12. Section 1233.6 of the Penal Code is amended to read:

1233.6.

(a) Local supervision prison admission ~~Probation failure~~ reduction incentive payments, ~~and high performance grants and past performance payments~~ calculated for any calendar year shall be provided to counties in the following fiscal year. The total annual payment to each county shall be divided into four equal quarterly payments.

(b) The Department of Finance shall include an estimate of the total local supervision prison admission probation failure reduction incentive payments, and high performance grants and past performance payment to be provided to counties in the coming fiscal year as part of the Governor's proposed budget released no later than January 10 of each year. This estimate shall be adjusted by the Department of Finance, as necessary, to reflect the actual calculations of probation failure local supervision prison admission reduction incentive payments, and high performance grants and past performance payment completed by the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the ~~Administrative Office of the Courts~~ Judicial Council. This adjustment shall occur as part of standard budget revision processes completed by the Department of Finance in April and May of each year.

(c) There is hereby established, in the State Treasury, the State Community Corrections Performance Incentives Fund, which is continuously appropriated. Moneys appropriated for purposes of providing local supervision prison admission Probation failure reduction incentive payments, and high performance grants and past performance payments authorized in Sections 1230 to 1233.6, inclusive, shall be transferred into this fund from the General Fund. Any moneys transferred into this fund from the General Fund shall be administered by the ~~Administrative Office of the Courts~~ Judicial Council and the share calculated for each county probation department shall be transferred to its Community Corrections Performance Incentives Fund authorized in Section 1230.

(d) For each fiscal year, the Director of Finance shall determine the total amount of the State Community Corrections Performance Incentives Fund and the amount to be allocated to each county, pursuant to this section and Sections 1230 to 1233.5, inclusive, and shall report those amounts to the Controller. The Controller shall make an allocation from the State Community Corrections Performance Incentives Fund authorized in subdivision (c) to each county in accordance with the amounts provided.

(e) Notwithstanding Section 13340 of the Government Code, commencing July 1, 2014, and each fiscal year thereafter, the amount of one million dollars (\$1,000,000) is hereby continuously appropriated from the State Community Corrections Performance Incentives Fund to the ~~Administrative Office of the Courts~~ Judicial Council for the costs of implementing and administering this program, pursuant to subdivision (c), and the 2011 realignment legislation addressing public safety.

SECTION 13. Section 1233.61 of the Penal Code is amended to read:

1233.61.

~~Notwithstanding any other law, any moneys remaining in the State Community Corrections Performance Incentives Fund, after the calculation and award determination of each county's tier payments or high performance grant payments pursuant to Sections 1233.3 and 1233.4 shall be distributed to county probation departments as follows:~~

(a) The Department of Finance shall increase the award amount for any county whose local supervision prison admission reduction incentive payments, tier payments or high performance grant payments or past performance payments, as calculated pursuant to Sections 1233.3, and 1233.4 and 1233.5, totals less than two hundred thousand dollars (\$200,000) to no more than two hundred thousand dollars (\$200,000).

~~(b) The Department of Finance shall adjust the award amount for any county that has a probation failure rate, as defined in subdivision (c) of Section 1233.1, that is below the statewide average, as defined in subdivision (b) of Section 1233.1, so that these counties receive no less than two hundred thousand dollars (\$200,000).~~

(e) ~~(b)~~ The Department of Finance shall adjust the award amount ~~evenly distribute any~~ remaining funds, up to two hundred thousand dollars (\$200,000) per county, to those counties that did not receive a local supervision prison admission reduction incentive payment tier payment or a high performance grant payment, as calculated pursuant to Sections 1233.3 and 1233.4.

~~(d) The distribution of any funds remaining after the distribution made pursuant to subdivision (c) shall be determined by the Department of Finance. The distribution may give preference to high performing counties that did not receive funding pursuant to Section 1233.4.~~

~~(e) At no time shall an award provided to a county through subdivision (c) exceed the amount of a grant award provided to counties that are eligible to receive increased award amounts pursuant to subdivision (a) or (b).~~

~~(f)~~ ~~(c)~~ Any county receiving funding through subdivision ~~(e)~~ (b) shall submit a report to the ~~Administrative Office of the Courts~~ Judicial Council and the Chief Probation Officers of California describing how it plans on using the funds to enhance its ability to be successful under this act. Commencing January 1, 2014, a county that fails to submit this report by March 1 annually shall not receive funding pursuant to subdivision ~~(e)~~ (b) in the subsequent fiscal year.

~~(g)~~ (d) A county that fails to provide the information specified in Section 1231 to the ~~Administrative Office of the Courts~~ Judicial Council shall not be eligible for payment pursuant to this section.



**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

EDMUND G. BROWN JR. • GOVERNOR
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

MAY 14 2015

Honorable Mark Leno, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Mark Ibele, Staff Director (2)

Honorable Shirley Weber, Chair
Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

Amendment to Budget Bill Item 5227-106-0001, Local Assistance, Board of State and Community Corrections

Post Release Community Supervision (Issue 001)—It is requested that Item 5227-106-0001 be decreased by \$4,141,000 to reflect a revised estimate of the temporary increase in the average daily population of offenders who have been placed on Post Release Community Supervision as a result of the new parole determination process for eligible non-violent, non-sex registrant second-strike offenders who have completed 50 percent of their sentence as ordered by the Three-Judge Panel and implemented on January 1, 2015 (Attachment I).

Add Trailer Bill to Remove Enhancing Law Enforcement Activities Subaccount Reversion Language—It is requested that trailer bill language be adopted to sunset the requirement that unspent local Citizens' Option for Public Safety and the Juvenile Justice Crime Prevention Act funds revert to the county Enhancing Law Enforcement Activities Subaccount. This provision is inconsistent with the intent of 2011 Realignment, as 2011 Realignment funds are continuously appropriated to local agencies. This proposed trailer bill would sunset this provision as of July 1, 2015 (Attachment II).

The effect of my requested action is reflected on the attachments.

If you have any questions or need additional information regarding this matter, please call Josh Gauger, Principal Program Budget Analyst, at (916) 445-8913.

MICHAEL COHEN
Director
By:

/s/ Keely M. Bosler

KEELY M. BOSLER
Chief Deputy Director

Attachments

cc: On following page

cc: Honorable Ricardo Lara, Chair, Senate Appropriations Committee
Attention: Mr. Mark McKenzie, Staff Director
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Seren Taylor, Staff Director
Honorable Jimmy Gomez, Chair, Assembly Appropriations Committee
Attention: Mr. Pedro R. Reyes, Chief Consultant
Honorable Melissa Melendez, Vice Chair, Assembly Budget Committee
Attention: Mr. Eric Swanson, Staff Director
Honorable Loni Hancock, Chair, Senate Budget and Fiscal Review Subcommittee No. 5
Honorable Reginald Byron Jones-Sawyer, Sr., Chair, Assembly Budget Subcommittee No. 5
Mr. Mac Taylor, Legislative Analyst (4)
Mr. Craig Cornett, Senate President pro Tempore's Office (2)
Mr. Christopher W. Woods, Assembly Speaker's Office (2)
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office
Ms. Kathleen Howard, Executive Director, Board of State and Community Corrections
Mr. Robert Takeshta, Deputy Director, Board of State and Community Corrections

Attachment I

"5227-106-0001—For local assistance, Board of State and Community Corrections
~~22,756,000~~ 18,615,000

Schedule:

(1) 4945-Corrections Planning and Grant Programs ~~22,756,000~~ 18,615,000

Provisions:

1. Of the funds appropriated in this item, \$6,714,000 shall be allocated by the Controller to county probation departments according to a schedule provided by the Department of Finance. The funds allocated to county probation departments are to address the temporary increase of offenders on Post Release Community Supervision as a result of the Three-Judge Panel's February 10, 2014 order to increase credit earnings for certain second-strike offenders.

2. Of the funds appropriated in this item, ~~\$13,356,000~~ \$9,215,000 shall be allocated by the Controller to county probation departments according to a schedule provided by the Department of Finance. The funds allocated to county probation departments are to address the temporary increase of offenders on Post Release Community Supervision as a result of the Three-Judge Panel's February 10, 2014 order to implement a process whereby certain second-strike offenders will be eligible for parole consideration once having served 50 percent of their sentence.

3. Of the funds appropriated in this item, \$2,686,000 shall be allocated by the Controller to county probation departments according to a schedule provided by the Department of Finance. The funds allocated to county probation departments are to address the temporary increase of offenders on Post Release Community Supervision as a result of the Three-Judge Panel's February 10, 2014 order to expand two-for-one credits to eligible minimum custody inmates."

30061.

(a) There shall be established in each county treasury a Supplemental Law Enforcement Services Account (SLESA), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the county auditor shall allocate the moneys in the county's SLESA within 30 days of the deposit of those moneys into the fund. The moneys shall be allocated as follows:

(1) Five and fifteen-hundredths percent to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen-hundredths percent to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent to the county and the cities within the county, and, in the case of San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community Services District in Siskiyou County, and the Kensington Police Protection and Community Services District in Contra Costa County, as specified in the most recent January estimate by the population research unit of the Department of Finance, and as adjusted to provide, except as provided in subdivision (j), (i), a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. For a newly incorporated city whose population estimate is not published by the Department of Finance, but that was incorporated prior to July 1 of the fiscal year in which an allocation from the SLESA is to be made, the city manager, or an appointee of the legislative body, if a city manager is not available, and the county administrative or executive officer shall prepare a joint notification to the Department of Finance and the county auditor with a population estimate reduction of the unincorporated area of the county equal to the population of the newly incorporated city by July 15, or within 15 days after the Budget Act is enacted, of the fiscal year in which an allocation from the SLESA is to be made. No person residing within the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, or the Kensington Police Protection and Community Services District shall also be counted as residing within the unincorporated area of the County of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city located within those counties. Except as provided in subdivision (j), (i), the county auditor shall allocate a grant of at least one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction. Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESA, and moneys allocated to a city pursuant to this subdivision shall be deposited in an SLESA established in the city treasury.

(4) Fifty percent to the county or city and county to implement a comprehensive multiagency juvenile justice plan as provided in this paragraph. The juvenile justice plan shall be developed by the local juvenile justice coordinating council in each county and city and county with the membership described in Section 749.22 of the Welfare and Institutions Code. If a plan has been previously approved by the Corrections Standards Authority or, commencing July 1, 2012,

by the Board of State and Community Corrections, the plan shall be reviewed and modified annually by the council. The plan or modified plan shall be approved by the county board of supervisors, and in the case of a city and county, the plan shall also be approved by the mayor. The plan or modified plan shall be submitted to the Board of State and Community Corrections by May 1 of each year.

(A) Juvenile justice plans shall include, but not be limited to, all of the following components:

(i) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol, and youth services resources that specifically target at-risk juveniles, juvenile offenders, and their families.

(ii) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substances sales, firearm-related violence, and juvenile substance abuse and alcohol use.

(iii) A local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders.

(iv) Programs identified in clause (iii) that are proposed to be funded pursuant to this subparagraph, including the projected amount of funding for each program.

(B) Programs proposed to be funded shall satisfy all of the following requirements:

(i) Be based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime for any elements of response to juvenile crime and delinquency, including prevention, intervention, suppression, and incapacitation.

(ii) Collaborate and integrate services of all the resources set forth in clause (i) of subparagraph (A), to the extent appropriate.

(iii) Employ information sharing systems to ensure that county actions are fully coordinated, and designed to provide data for measuring the success of juvenile justice programs and strategies.

(iv) Adopt goals related to the outcome measures that shall be used to determine the effectiveness of the local juvenile justice action strategy.

(C) The plan shall also identify the specific objectives of the programs proposed for funding and specified outcome measures to determine the effectiveness of the programs and contain an accounting for all program participants, including those who do not complete the programs. Outcome measures of the programs proposed to be funded shall include, but not be limited to, all of the following:

(i) The rate of juvenile arrests per 100,000 population.

(ii) The rate of successful completion of probation.

(iii) The rate of successful completion of restitution and court-ordered community service responsibilities.

(iv) Arrest, incarceration, and probation violation rates of program participants.

(v) Quantification of the annual per capita costs of the program.

(D) The Board of State and Community Corrections shall review plans or modified plans submitted pursuant to this paragraph within 30 days upon receipt of submitted or resubmitted plans or modified plans. The board shall approve only those plans or modified plans that fulfill the requirements of this paragraph, and shall advise a submitting county or city and county immediately upon the approval of its plan or modified plan. The board shall offer, and provide, if requested, technical assistance to any county or city and county that submits a plan or modified plan not in compliance with the requirements of this paragraph. The SLESA shall only allocate funding pursuant to this paragraph upon notification from the board that a plan or modified plan has been approved.

(E) To assess the effectiveness of programs funded pursuant to this paragraph using the program outcome criteria specified in subparagraph (C), the following periodic reports shall be submitted:

(i) Each county or city and county shall report, beginning October 15, 2002, and annually each October 15 thereafter, to the county board of supervisors and the Board of State and Community Corrections, in a format specified by the board, on the programs funded pursuant to this chapter and program outcomes as specified in subparagraph (C).

(ii) The Board of State and Community Corrections shall compile the local reports and, by March 15, 2003, and annually thereafter, make a report to the Governor and the Legislature on program expenditures within each county and city and county from the appropriation for the purposes of this paragraph, on the outcomes as specified in subparagraph (C) of the programs funded pursuant to this paragraph and the statewide effectiveness of the comprehensive multiagency juvenile justice plans.

(c) Subject to subdivision (d), for each fiscal year in which the county, each city, the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide frontline law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the frontline law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city.

(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County,

the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district.

(d) For each fiscal year in which the county, a city, or the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

(e) For the 2011–12 fiscal year, the Controller shall allocate 23.54 percent of the amount deposited in the Local Law Enforcement Services Account in the Local Revenue Fund 2011 for the purposes of paragraphs (1), (2), and (3) of subdivision (b), and shall allocate 23.54 percent for purposes of paragraph (4) of subdivision (b).

(f) Commencing with the 2012–13 fiscal year, subsequent to the allocation described in subdivision (c) of Section 29552, the Controller shall allocate 23.54363596 percent of the remaining amount deposited in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 for the purposes of paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent to the allocation described in subdivision (c) of Section 29552, shall allocate 23.54363596 percent of the remaining amount for purposes of paragraph (4) of subdivision (b).

(g) Commencing with the 2013–14 fiscal year, subsequent to the allocation described in subdivision (d) of Section 29552, the Controller shall allocate 23.54363596 percent of the remaining amount deposited in the Enhancing Law Enforcement Activities Subaccount in the Local Revenue Fund 2011 for the purposes of paragraphs (1) to (3), inclusive, of subdivision (b), and, subsequent to the allocation described in subdivision (d) of Section 29552, shall allocate 23.54363596 percent of the remaining amount for purposes of paragraph (4) of subdivision (b). The Controller shall allocate funds in monthly installments to local jurisdictions for public safety in accordance with this section as annually calculated by the Director of Finance.

(h) Funds received pursuant to subdivision (b) shall be expended or encumbered in accordance with this chapter no later than June 30 of the following fiscal year. A local agency that has not met the requirement of this subdivision shall remit unspent SLESA moneys received after April 1, 2009, to the Controller for deposit in the Local Safety and Protection Account, after April 1, 2012, to the Local Law Enforcement Services Account, and after July 1, 2012, to the County Enhancing Law Enforcement Activities Subaccount. This subdivision shall become inactive on July 1, 2015.

(i) In the 2010–11 fiscal year, if the fourth quarter revenue derived from fees imposed by subdivision (a) of Section 10752.2 of the Revenue and Taxation Code that are deposited in the General Fund and transferred to the Local Safety and Protection Account, and continuously appropriated to the Controller for allocation pursuant to this section, are insufficient to provide a minimum grant of one hundred thousand dollars (\$100,000) to each law enforcement jurisdiction, the county auditor shall allocate the revenue proportionately, based on the allocation schedule in paragraph (3) of subdivision (b). The county auditor shall proportionately

allocate, based on the allocation schedule in paragraph (3) of subdivision (b), all revenues received after the distribution of the fourth quarter allocation attributable to these fees for which payment was due prior to July 1, 2011, until all minimum allocations are fulfilled, at which point all remaining revenue shall be distributed proportionately among the other jurisdictions.

(i) Any unspent funds that that were remitted by a local agency, after July 1, 2012, to a County Enhancing Law Enforcement Activities Subaccount pursuant to subdivision (h) shall be redirected by the county auditor to the local agency that remitted the funds in an amount equal to that which had been remitted.